

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM KITCHEN, III,

Plaintiff,

Case No. 1:17-cv-371

v.

HON. JANET T. NEFF

DAVE LEACH, et al.,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. Defendant Dave Leach filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on July 31, 2018, recommending that this Court grant in part and deny in part the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 59) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 56) is GRANTED IN PART AND DENIED IN PART for the reasons stated in the Report and Recommendation; specifically, the motion for summary judgment is denied, but Plaintiff is expressly warned that if he again refuses, without good cause, to participate in his deposition, then his remaining claims may be dismissed for refusal to participate in discovery and refusal to comply with the Court's orders.

IT IS FURTHER ORDERED that Defendant may, not later than October 29, 2018, depose Plaintiff.

IT IS FURTHER ORDERED that Defendant's request for costs is DENIED for the reasons stated in the Report and Recommendation.

Dated: August 29, 2018

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge